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# Ex-Aide of Westmoreland Testifies in Libel Trial

By M. A. FARBER

A former deputy to Gen. William C. Westmoreland testified yesterday that the number of enemy troops that fought in the Tet offensive in January and February of 1968 was well below the figure that CBS is expected to advance at its trial for libel.

The former deputy, Robert W. Komer, who was the chief civilian aide to General Westmoreland in South Vietnam in from May 1967 to May 1968, said in Federal Court in Manhattan that 85,000 North Vietnamese and Vietcong forces took part in the offensive. He said he was not sure, however, whether that number included enemy troops around Khe Sanh, an American base in the northern part of South Vietnam.

CBS, which is being sued by General Westmoreland over statements made in a 1982 "CBS Reports" documentary about the Vietnam war, has said it will produce testimony from George W. Allen, an official of the Central Intelligence Agency, that enemy forces committed to the Tet offensive exceeded 400,000.

The size of the enemy forces in the offensive is an issue in the trial because CBS said in the broadcast that American troops were caught "unprepared" for the Tet offensive. CBS also said in the documentary, titled "The Uncounted Enemy: A Vietnam Deception," that General Westmoreland's command had "systematically blocked" reports from United States officers that North Vietnamese infiltration in late 1967 and early 1968 had increased greatly.

## Second Westmoreland Witness

Mr. Komer, who was given the rank of Ambassador by President Johnson, was head of the pacification program in South Vietnam. He is the second witness called on behalf of General Westmoreland in the \$120 million libel suit.

In his second day of questioning by Dan M. Burt, General Westmoreland's lawyer, Mr. Komer said he was "asleep in bed" when the enemy started its offensive on Jan. 31, 1968. But within a few days, he said, he had surveyed the countryside by helicopter.

"Do you believe," Mr. Burt asked, "that it was an attack of 500,000 troops?"

"If it had been an attack of 500,000," Mr. Komer replied, "it would have been one hell of a bigger attack than we were enduring."

General Westmoreland, the commander of American forces in Vietnam from 1964 to 1968, charged in his suit that CBS libeled him by saying that he had deceived President Johnson and the Joint Chiefs of Staff about the size and nature of the enemy's strength in Vietnam. The documentary suggested that there was a "conspiracy at the highest levels of military intelligence" to minimize enemy strength to make it appear the United States and its South Vietnamese allies were winning a "war of attrition."

## Accusation of Suppression

One of the general's specific charges was that CBS falsely accused him of "suppressing" a report on the strength of Vietcong irregulars by Maj. Gen. Joseph A. McChristian, who was his intelligence chief from 1965 to June 1, 1967. The fate of the report, which contained higher estimates for guerrillas and for self-defense and secret self-defense forces, was again the subject of testimony yesterday.

The self-defense forces, according to Mr. Komer, were old women and men and teen-agers who lived in areas controlled by the Vietcong and who helped the Vietcong to plant punji sticks and mines. The secret self-defense forces, he said, were enemy sympathizers who lived in areas controlled by United States or South Vietnamese troops. Mr. Burt has called both categories "home guard" forces.

Mr. Komer said he believed that, like other elements of the enemy forces, like the armed guerrillas and the political cadre, the size of the "home guard" had long been underestimated before 1967. But unlike the guerrillas, with whom "we had a lot of contact," he said, the "home guard" posed no real military threat and were too "shadowy and nebulous" to count with accuracy.

When Mr. Burt asked if the "home guard" were armed, Mr. Komer rocked back in the witness chair and broke into laughter.

"We couldn't find most of them at all," he said, "much less find whether they were armed."

## 'Home Guard' Removed

Over the objection of some C.I.A. analysts, including Mr. Allen, General Westmoreland authorized the removal of the self-defense and secret self-de-

fense forces from the military order of battle in the fall of 1967. The order of battle is the official listing of enemy strength.

General McChristian's estimate of 124,000 for the "home guard," which he said he believed should have remained in the military order of battle, was about 54,000 higher than the figure previously in use.

Mr. Komer, who testified on Tuesday that General Westmoreland had not suppressed General McChristian's report even though the figures in it were not made public, said yesterday that he never received orders from General Westmoreland or anyone else to place a "ceiling" on enemy strength.

Under cross-examination by David Boies, the lawyer for CBS, Mr. Komer admitted that General McChristian's figures on the "home guard" were more realistic than earlier estimates, that he was "no expert" on the order of battle, and that he did not ordinarily read the statistics in the listing.

Mr. Boies noted that Walt W. Rostow, the national security adviser to President Johnson, testified on Monday that Mr. Rostow read the figures.

"I'm glad he read it," Mr. Komer said. "I never had the time."

## Total Figure Drops

Mr. Komer said the deletion of the "home guard," as well as 70,000 to 90,000 political cadre, from the order of battle put dropped the total figure for enemy strength from about 285,000 in the summer of 1967 to a range of 223,000 to 248,000 in November.

When he cross-examined Mr. Rostow, Mr. Boies said that, in a briefing in November to President Johnson, General Westmoreland estimated the enemy strength at 242,000, a decline of 43,000. But, according to a document Mr. Rostow had sent the President, Mr. Boies said, the deletion of the "home guard" was not noted. It, like the political cadre, had been included in the figure of 285,000.

Mr. Boies also produced notes by a former Defense Department lawyer that appeared to contradict Mr. Rostow's recollection that General Westmoreland, in a meeting with the President in April, had not said the strength of the enemy was leveling off.